

REMARKS

Claims 1, 2, 7-9, 12-17, 20-27, 30, 31, 34-39 are now pending in the application.

Claims 3-6, 10, 11, 18, 19, 28, 29, 32 and 33 were canceled without prejudice regarding their subject matter. Original claim 40 was numbered out of sequence and is renumbered as claim 39. The Examiner is respectfully requested to reconsider and withdraw the rejection in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 102

Claims 1-40 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Wenstrom, Jr. et al. (U.S. Pat. No. 6,045,573). This rejection is respectfully traversed.

Wenstrom et al discloses a suture anchor having an eyelet. The suture anchor can be made of various materials including titanium. Wenstrom et al does not disclose any surface finish for the anchor or the eyelet at all. The segment in Col. 3, lines 23-41, identified by the Examiner in relation to the surface finish element, merely describes materials for making the anchors and the sutures, and does not describe any type of surface treatment and surface finish for the eyelet of the suture anchor. Applicants have been unable to identify any disclosure regarding surface finish in Wenstrom et al. If the Examiner disagrees, the Examiner is respectfully requested to identify the relevant disclosures.

In particular, and regarding independent claims 1 and 31, Wenstrom et al fails to disclose an eyelet that has a titanium anodize surface finish, that the surface finish includes a penetration layer produced by a titanium anodize process and exposed after

a removable build-up layer is removed, and such that there is no dimensional change of the eyelet after the surface finish is applied.

Similarly, and regarding independent claim 17, Wenstrom et al fails to disclose any method of surface treatment. In particular, Wenstrom et al fails to disclose a method of surface treatment that includes any of the following procedures: treating the eyelet with a titanium anodize process; creating a penetration layer on the eyelet, creating a soft build-up layer above the penetration layer; removing the build-up layer; and exposing the penetration layer defining a surface finish.

Therefore, independent claims 1, 17 and 31 are not anticipated by Wenstrom et al. Claims 3-6, 10, 11, 18, 19, 28, 29, 32 and 33 were canceled without prejudice regarding their subject matter. Claims 2, 7-9, 12-16 ultimately depend from claim 1, and claims 18, 20-27, and 30 ultimately depend from claim 17. Original claim 40 was numbered out of sequence, and is renumbered as claim 39. Claims 34-39 ultimately depend from claim 31. At least for these reason, claims 2, 7-9, 12-16, 20-27, 30, and 34-39 are not anticipated by Wenstrom et al.

Reconsideration and withdrawal of the rejection of claims 1, 2, 7-9, 12-17, 20-27, 30, 31, 34-39 is respectfully requested.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office

Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: March 1, 2007

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